

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are pending in the present Application. Claims 1, 4, 5, and 6 have been amended. Support for the amendment of Claims 1, 4, 5, and 6 can be found at least at Fig. 1 and its corresponding description in the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dworkin (U.S. Patent Publication No. 2002/0071,540).

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-6 under 35 U.S.C. § 103 as being anticipated by Dworkin. The Official Action states that Dworkin discloses all of the Applicants' claim limitations with the exception of generating a chat space at a predetermined time. However, the Official Action takes official notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a chat space at a predetermined time to arrive at the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information processing apparatus, including:

... an authenticating unit to authenticate the second terminal by the use of authentication data to authenticate the second terminal;
a providing unit configured to provide the chat space to the first terminal and the chat space and first service to the second terminal designated to be distributed by the first terminal.

By way of background, distribution of multimedia content is increasingly performed by way of a network, such as the Internet. In a collaborative setting, where multiple users are accessing a live streaming broadcast of video, for example, the ability to communicate during

the video distribution has become necessary. Typically, this collaboration is by way of text-based communication whether in email or text messaging formats. Presently, video distribution and text messaging services are provided separately necessitating separate authentication for each utility.¹

Due at least in part to the above deficiency in the art, the present invention is provided. With at least this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

Dworkin describes an application service provider environment for providing a distributed conferencing configuration. As shown in Fig. 1 of this reference, the configuration (99) includes a plurality of users (100A-100F) employing the Internet (104). Conferencing resources (112) include both hardware and software components, which are hosted and managed by a conferencing application service provider (110).²

In operation, the users (100) may employ the services of the conferencing configuration to facilitate distribution of data and video conferencing without the expense and overhead associated with owning and maintaining their own conference resources. For example, an individual user (100A) would register with the application service provider (ASP) and be provided with an application program interface (API) to receive the necessary software for support facilitating communication with the provider. Likewise, the user may user third-party instant messaging software to communicate with other users. In addition, the ASP may employ a messaging utility (122), such that upon registration, a user downloads an instant messaging plug-in for use with a user interface (100B). In this way, the user can

¹ Application at pages 1-2.

² Dworkin at paragraph 14.

initiate a conference by inviting other instant messaging participants registered with the ASP.³

Conversely, in an exemplary embodiment of Applicants' invention, a live distribution service for streaming contents to users is provided in accordance with a reservation made in advance. In operation, a user, such as a personal computer (3), provides contents for distribution according to a reservation to a streaming server (5). Personal computers (4-1 - 4-3) receive the streaming contents from the streaming server according to the reservation made by the personal computer (3).⁴ During the delivery of the streaming content, a chat space is created corresponding to the reservation of the streaming distribution. In this way, the chat space is automatically generated to be coincident with the delivery of the streaming content. Distribution notices are provided to terminals in accordance with a reservation, so that terminals included in the reservation can receive authentication data for accessing the streaming content and chat space simultaneously.

Thus, Dworkin describes only supporting third-party instant messaging services and providing an instant messaging plug-in to users. This arrangement suffers from the same drawback of the prior art in that separate authentication or invitation process is required to include a chat service along with streaming content. As such, Dworkin teaches away from the provision of a providing unit configured to provide chat space distributing content to a second terminal designated by a first terminal. "A reference may be said to teach away when a person of ordinary skill in the art, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 31 U.S.P.Q.2d 1130, 1131 (Fed. Cir. 1994). To this end, "disclosures in the references that diverge from and teach away from the

³ Dworkin at paragraphs 16-17.

⁴ Application at page 8.

invention cannot be disregarded", Phillips Petroleum Company v. U.S. Steel Corp., 9 U.S.P.Q.2d 1461 (Fed. Cir. 1989). As stated in paragraphs 16-17 of Dworkin, chat space is provided by a third party service, or conferencing is set up by a chat service of the ASP by invitation through instant messaging.

There is no disclosure or suggestion of creating a dedicated chat space in accordance with a reservation, such that the chat space is available coincident to a streaming distribution, both services being authenticated in accordance with authentication data provided to terminals in accordance with a reservation, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that Claims 1, and Claims 2-6, which recite substantially similar limitations to those discussed above, patently define over Dworkin; and, Applicants respectfully request that the rejection of Claims 1-6 under 35 U.S.C. § 103 be withdrawn.

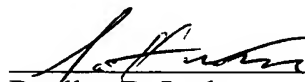
Finally, with regard to the Official Notice outlined in the Official Action at page 3, and, as explained in the "Response to Arguments" section of page 4, it appears that the Official Action is not taking Official Notice, but, instead, making an obviousness argument in view of Dworkin. Accordingly, Applicants will not address the Official Notice further as the Official Action seems to be misapplying this terminology.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-6, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

BDL:SAM:ycs

I:\ATTY\SAM\PROSECUTION WORK\219212\AMDT DUE 27OCT05.DOC